

FROST BROWN TODD LLC

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September 29, 2003

EXPRESS MAIL

EV311436452US

Customer No. 26874
PATENT TRADEMARK OFFICE

Mail Stop PATENT APPLICATION
Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF PATENT APPLICATION

Dear Sir:

Transmitted herewith for filing is the patent application of:

| | |
|---------------------------------------|---|
| Inventor(s): | Frederick E. Shelton IV and Michael Earl Setser |
| Title: | SURGICAL STAPLING INSTRUMENT WITH MULTISTROKE FIRING INCORPORATING AN ANTI-BACKUP MECHANISM |
| Attorney Docket: | END5124-517366 |
| Drawings: | 20 Sheets |
| Papers Enclosed: | Specification, 17 claims and Abstract (Total of 33 pages); Drawings – 20 sheets; Cover Sheet; Declaration and Power of Attorney; Information Disclosure Statement; PTO-1449; Foreign patent copies and other references; certificate of Express Mail; return postcard |
| Check Enclosed to Cover Total Fee: | \$750.00 |

LARGE ENTITY

| CLAIMS AS FILED | | | | | | |
|---------------------------|-----------|---|----|-----------|-------------------------------|-----------------|
| | No. Filed | | | No. Extra | Rate | Fee |
| Basic Fee | | | | | | 750.00 |
| Total Claims | 17 | - | 20 | 0 | x 18.00 | |
| Independent Claims | 3 | - | 3 | 0 | x 84.00 | |
| Multiple Claims | | | | | 280.00 | |
| | | | | | Total Filing Fee | 750.00 |
| | | | | | Assignment Recordation | |
| LARGE ENTITY TOTAL | | | | | | \$750.00 |

The Assistant Commissioner for Patents is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Frost Brown Todd LLC, Account No. 06-2226:

Any additional filing fees required by 37 CFR 1.16 and/or 37 CFR 1.492;

Any deficiency in the patent application processing fees as required by 37 CFR 1.17; or

Any deficiency in the issue fee as set forth in 37 CFR 1.18.

The above authorization does not include permission to charge payment of the entire issue fee to our account upon request of a notice of allowance, but only any deficiency in the issue fee paid by our check subsequent to receipt of a notice of allowance.

A duplicate copy of this transmittal letter is enclosed for any of these additional charges or credit.

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| <p>"Express Mail" Mailing Label Number:</p> <p><u>EV 311436452 US</u></p> <p>Date of Deposit: <u>September 29, 2003</u></p> <p>I hereby certify that this paper or fee is being deposited in the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and is addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.</p> <p><u>Matthew G. Burgan</u></p> <p>Typed or Printed Name of Person Signing</p> <p><u>Matthew G. Burgan</u></p> <p>Signature</p> |
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Respectfully submitted

FROST BROWN TODD LLC

By: David E. Franklin
 David E. Franklin
 Registration No. 39,194